

Village of Cayuga Heights Planning Board
Meeting #118
Monday, November 27, 2023
Marcham Hall – 7:00 pm
Minutes

Present: Planning Board Members Chair F. Cowett, J. Leijonhufvud, M. McMurry, E. Quaroni, R. Segelken
Code Enforcement Officer B. Cross, Deputy Clerk A. Jacot, Alternate Member M. Johnston,
Mayor L. Woodard
R. Kawecki, Bousquet Holstein PLLC
D. King, 102 North Sunset Drive

Item 1 – Meeting called to order

- Chair F. Cowett opened the meeting at 7:00 pm.
- Chair F. Cowett stated that M. McMurry is unable to attend the meeting in person due to illness and is attending via Zoom; Alternate Member M. Johnston is welcome to participate in the meeting, but cannot take part in any Board votes.
- Chair F. Cowett further stated that Attorney R. Marcus is absent; R. Kawecki, Bousquet Holstein PLLC, is attending the meeting via Zoom and is able to provide the Board with legal advice if needed.

Item 2 – October 23, 2023 Minutes

- The Board reviewed the minutes of the October 23, 2023 meeting.

Motion: R. Segelken

Second: E. Quaroni

**RESOLUTION No. 401
APPROVING MINUTES OF OCTOBER 23, 2023**

RESOLVED, that the written, reviewed and revised minutes of the October 23, 2023 meeting are hereby approved.

Aye votes – Chair F. Cowett, M. McMurry, E. Quaroni, R. Segelken

Abstained – J. Leijonhufvud

Opposed – None

Item 3 – Public Comment

- No members of the public wished to speak.

Item 4 – Subdivision Review – 102 North Sunset Drive

- Chair F. Cowett stated that an application has been submitted to subdivide the property at 102 North Sunset Drive; the applicant appeared before the Planning Board at its October 23 meeting; the Board requested the applicant provide an updated survey map showing the boundaries of the proposed subdivision with 2 foot contour intervals; the Board also requested that the updated survey map identify riparian buffers, a Tompkins County Unique Natural Area, and the potential location of a residence and driveway; the applicant has provided an updated survey map which satisfies these requests.
- E. Quaroni stated that the Board had also requested that the updated survey map should show trees with a trunk diameter of 6 inches or greater in the vicinity where a residence could be built; the map shows 12 trees located within the public street right-of-way and within 50 feet of the street pavement edge; however, it is unclear whether trees exist in the area notated as a possible location for a building area.
- M. Johnston stated that the survey map should explicitly state that tree symbols on the map reference trees with a trunk diameter of six inches or greater.
- E. Quaroni questioned the northern location of the driveway shown in the survey map and suggested that a driveway located to the south might be a better choice.
- Chair F. Cowett stated that subdivision review tasks the Board with judging whether a residence and driveway complying with the requirements of the Village's Zoning Law can be built on the new lot created by the subdivision; the northern location of the driveway on the survey map demonstrates that such a driveway can be built; the question as to whether a southern location for the driveway would be preferable to a northern location is a matter for site plan review and not subdivision review.
- J. Leijonhufvud stated concern about trees located further than 50 feet from the street pavement edge and whether the rarity of any tree species in this area would preclude the construction of a residence in that area.
- Chair F. Cowett stated that he did not see any rare tree species such as chestnut oak on site; the Village's Zoning Law does not prohibit the removal of trees in order to construct a residence; however, the Village's Zoning Law does prohibit the removal of live trees with a trunk diameter of six inches or greater prior to subdivision approval and the Board can also impose as a condition of subdivision approval that the removal of live trees with a trunk diameter of six inches or greater is prohibited prior to site plan review without the approval of the Planning Board in consultation with the Village Forester; this condition can be added to the subdivided plat if approved.
- The Board briefly discussed whether the slope of the potential location of a residence was closer to 15 or 20 percent.

- Code Enforcement Officer B. Cross stated that the Village's Zoning Law prohibits residence construction on slopes greater than or equal to 25 percent; the slopes on site vary between 15 and 25 percent and the Planning Board has experience during site plan review in siting a residence away from steep slopes in compliance with the Village's Zoning Law.
- M. McMurry asked about the circle drawn on the survey map to demonstrate a possible building location area; if the possible buildable area is larger than the area in the circle, then the circle and the squiggle lines emanating from it are confusing.
- D. King, 102 North Sunset Drive, replied that the circle is not intended to define the limit of buildable area.
- M. McMurry stated that in that case the circle and squiggle lines should be removed and replaced with a figure showing the entire buildable area.
- R. Segelken stated that the survey map is part of the sales pitch to a prospective buyer of the subdivided lot; the Board wouldn't want to trip up a buyer by stating that the lot is buildable when it isn't; he asked R. Kawecky about the importance of survey map details being as airtight as possible.
- R. Kawecky replied that it is important for a prospective buyer to know that the lot is good to go up front.
- E. Quaroni asked D. King about plans for selling the subdivided lot.
- D. King replied that the plans are to sell the subdivided lot as soon as possible as well as the existing lot.
- J. Leijonhufvud stated concern that subdivision approval could imply site plan approval and asked, if the subdivision is approved, whether text should be added to the approved plat stating that subdivision approval does not imply site plan approval.
- M. McMurry replied that subdivision and site plan reviews are separate processes well-defined in the Village's Zoning Law and such text would be redundant and unnecessary.
- E. Quaroni asked about the utilities on site.
- Code Enforcement Officer B. Cross replied that water, gas, and electricity are easily available; an on-site pump will be required to connect to the sanitary sewer.
- M. McMurry asked Code Enforcement Officer B. Cross to confirm to the Board that, following a subdivision, both plots will meet the requirements of the Village's Zoning Law for lot dimensions and lot shape.
- Code Enforcement Officer B. Cross replied that he will confirm compliance of both lots with requirements for dimensions and shape in a Zoning Officer's Report which he will provide to the Board prior to its next meeting.

Motion: J. Leijonhufvud

Second: R. Segelken

**RESOLUTION No. 402
TO ACCEPT THE PROPOSED PROJECT AT 102 NORTH SUNSET DRIVE AS A
MINOR SUBDIVISION**

RESOLVED, that the Planning Board accepts the proposed project at 102 North Sunset Drive as a minor subdivision for subdivision review.

Aye votes – Chair F. Cowett, J. Leijonhufvud, M. McMurry, E. Quaroni, R. Segelken

Opposed – None

- The Board discussed the project in relation to the State Environmental Quality Review Act (SEQRA) and whether to categorize the project as a Type I, Type II, or Unlisted SEQRA action.
- Chair F. Cowett stated that the project does not meet the criteria of a Type I action, nor does it conflate with any of the Type II actions not requiring further SEQRA review contained within § 617.5.C of the Codes, Rules, and Regulations of the State of New York; therefore, the project should be categorized as an Unlisted SEQRA action requiring SEQRA review.

Motion: J. Leijonhufvud

Second: M. McMurry

**RESOLUTION No. 403
SEQRA REVIEW OF THE PROPOSED MINOR SUBDIVISION AT
102 NORTH SUNSET DRIVE**

RESOLVED, that the Planning Board declares itself lead agency for SEQRA review of the proposed minor subdivision at 102 North Sunset Drive which the Board categorizes as an Unlisted SEQRA action and the property owner is to complete Part 1 of the Short Environmental Assessment Form.

Aye votes – Chair F. Cowett, J. Leijonhufvud, M. McMurry, E. Quaroni, R. Segelken

Opposed – None

- Chair F. Cowett stated that he would provide D. King with a copy of the NYS DEC's EAF Mapper SEQRA Part 1 results for 102 North Sunset Drive.

Motion: J. Leijonhufvud

Second: E. Quaroni

**RESOLUTION No. 404
TO HOLD A PUBLIC HEARING ON THE PROPOSED MINOR SUBDIVISION AT
102 NORTH SUNSET DRIVE**

RESOLVED, that a public hearing will be held on December 18, 2023 at 7:10 pm regarding the subdivision review for the proposed minor subdivision at 102 North Sunset Drive.

Aye votes – Chair F. Cowett, J. Leijonhufvud, M. McMurry, E. Quaroni, R. Segelken

Opposed – None

- Code Enforcement Officer B. Cross stated that public notice of the Board’s December 18 meeting and the public hearing to be held at that meeting will go out by at least Wednesday December 6.

Item 5 – Comprehensive Plan Discussion

- The Board resumed its discussion as to whether the Village’s Comprehensive Plan should be updated.
- Chair F. Cowett discussed the Economy section; much of this section is devoted to the Community Corners area and great attention was given to the re-establishment of lost retail services there, such as a small supermarket; in retrospect, this was a pipe dream; time has moved on and thought should be given to what kind of services make the most sense for the Community Corners area; the medical office building raised the issue of scale; irrespective of the parking issue, is a three story building appropriate for the Community Corners area; does it reflect Village character; recommendations in the Comprehensive Plan such as permitting small-scale home-based businesses and updating sign regulations were reflected in updated zoning; a recommendation to include better sidewalk connections in Community Corners hasn’t happened and greater emphasis should be given to pedestrian connections and walkability; while emphasis was given in the Comprehensive Plan to re-invigorate commercial activity in Community Corners, insufficient attention was given to increased traffic associated with increased commercial activity; this was highlighted by the proposal to redevelop the RaNic golf club; what type of development does the Village want to occur in the Community Corners Area.
- M. Johnston stated that the Economy section is a catch-all to include information absent in the current format; data points, charts, and tables, including demographics, would be helpful to understand current conditions and developments that have occurred since the Village’s Comprehensive Plan was adopted in 2014.
- E. Quaroni stated that demographics are contained in the Comprehensive Plan’s Introduction.

- M. Johnston stated that an Introduction section is frequently ignored by developers.
- J. Leijonhufvud stated that flexibility is important in the Community Corners area; three story buildings wouldn't necessarily be a bad idea if it incentivized mixed use development; Community Corners has evolved since the 2014 Comprehensive Plan; attention should be given to whether Community Corners is working and thriving.
- M. Johnston stated that it would be good to have data to evaluate how Community Corners is working; we want it to be successful.
- R. Segelken stated that it is easier to walk to the malls from his house than to walk to Community Corners and the rest of the Village.
- E. Quaroni stated that Community Corners was a meeting place, but is it still one?
- J. Leijonhufvud stated that green space or other type of public space would be important as a way for the community to meet; language should be explored that would incentivize the creation of community space to foster community connections.
- M. McMurry stated that the commercial economy has changed since 2014; what do we want to incentivize now?; the language in the Comprehensive Plan encouraging home-based businesses could be interpreted as being inconsistent with the approach the Village took in regulating short term rentals where concerns were raised about increased traffic and conflicts with residential use; attention should be given to the types of home-based businesses that make sense within a residential context.
- Code Enforcement Officer B. Cross stated that, according to T. Ciaschi, there is no rental space currently available in Corners Community Shopping Center and so it appears to be thriving, nor is there any demand for three story buildings due to recognition of the limited parking in the shopping center; regarding home-based occupations, more people are now working from home, but there has not been a significant increase in home-based businesses; short term rentals are a unique issue.
- M. McMurry stated that parameters should be placed on the types of home-based businesses and not merely emphasize reducing obstacles to them.
- E. Quaroni stated that the trend is towards services rather than retail.
- Chair F. Cowett stated that the previous iteration of the Comprehensive Plan came at a time when the perception was that the Community Corners area was in decline; that no longer appears to be the case.

Item 6 – New Business

- The next scheduled meeting of the Board is Monday December 18, 2023 pursuant to a resolution passed by the Board at its October 23 meeting.

Item 7 – Adjourn

- Meeting adjourned at 8:35 pm.